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County of San Joaquin

GARY W. FREEMAN

Assessor-Recorder-County Clerk

Paid by COUNTY SHOWN



RESOLUTION NO. 2005-77

A RESOLUTION OF THE LODI CITY COUNCIL  
SUMMARILY VACATING PORTIONS OF A  
TEN-FOOT PUBLIC UTILITY EASEMENT AT  
1901, 1927, AND 1930 SOUTH MILLS AVENUE

WHEREAS, that portions of a ten-foot public utility easement at 1901, 1927, and 1930 South Mills Avenue, shown on Exhibit A attached hereto and incorporated herein, were dedicated in conjunction with "The Meadows, Unit No. 1" residential development in 1984; and

WHEREAS, the buildings constructed were discovered to be encroaching upon portions of the ten-foot public utility easement along the Century Boulevard and Sylvan Avenue street frontages, as shown on Exhibit A. The current property owners are requesting abandonment of those portions of the easement within the footprint of the building; and

WHEREAS, pursuant to California Streets and Highways Code Section 8333, an easement may be summarily vacated if it has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and

WHEREAS, no public utilities are located in those portions of Mills Avenue desired to be vacated.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi finds and declares as follows:

1. The above recitals are true and correct.
2. The proposed vacation of the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation, and, in accordance with California Government Code Section 65402(a), the City Council of the City of Lodi hereby provides that Government Code Section 65402(a) does not apply to this vacation.
3. That portions of 1901, 1927, and 1930 South Mills Avenue, shown on Exhibit A attached hereto and incorporated herein, are summarily vacated as of the date of recordation of this Resolution and from and after that date no longer constitutes a street or highway.
4. The vacation is made pursuant to Chapter 4, Part 3, of the Streets and Highways Code of the State of California.

5. A public utility easement shall be retained over the portions of 1901, 1927, and 1930 South Mills Avenue, shown on Exhibit A attached hereto and incorporated herein.
6. The City Clerk is hereby authorized and instructed to record this Resolution pursuant to Streets and Highways Code Section 8336.

Dated: April 20, 2005

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I hereby certify that Resolution No. 2005-77 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 20, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce,  
and Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

  
SUSAN J. BLACKSTON  
City Clerk





# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## EXHIBIT A

